

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

AMY LIU,

Plaintiff,

v.

SHELLPOINT MORTGAGE SERVICING,  
et al.,

Defendants.

Case No. 23-cv-04887-JD

**SECOND ORDER RE DISMISSAL**

The second amended complaint, Dkt. No. 44, is dismissed for lack of diversity jurisdiction. Plaintiff Amy Liu alleges an amount in controversy of \$159,683.98. *Id.* at 3. Of that amount, \$130,680 is attributed to a refinance apparently taken out by Liu's sons. *See id.* at 3, 10; Dkt. No. 44-2 at ECF pp. 58-65; Dkt. No. 52 at 5-8. As the Court stated in the prior dismissal order, Liu cannot claim injury from losses that her sons sustained. Dkt. No. 42 at 1-2. While Liu requests additional damages totaling almost \$90,000, and representing three times the amount she says she overpaid on her mortgage, Dkt. No. 44 at 10-11, Liu has not suggested a good faith basis for tripling the alleged overpayments.


Because the amount in controversy does not exceed the jurisdictional threshold, Liu has not carried her burden of establishing diversity subject matter jurisdiction. 28 U.S.C. § 1332; *Rattlesnake Coal. v. E.P.A.*, 509 F.3d 1095, 1102 n.1 (9th Cir. 2007). The Court declines to exercise supplemental jurisdiction given its prior dismissal of Liu's federal law claims. Dkt. No. 42; *see also Lima v. United States Dep't of Educ.*, 947 F.3d 1122, 1128 (9th Cir. 2020).

Liu may file a third amended complaint by October 18, 2024. To establish amount in controversy, Liu should allege losses that she herself suffered as a result of her claimed inability to refinance her mortgage. Liu should also address as needed any jurisdictional deficiencies raised

1 by defendant Selene. *See* Dkt. No. 46 at 4-5. In lieu of amending, Liu may, by the same deadline,  
2 dismiss the case without prejudice in favor of pursuing a claim in state court, as circumstances  
3 warrant. A failure to meet this deadline or otherwise conform to this order will result in dismissal  
4 of the case under Federal Rule of Civil Procedure 41(b). This will almost certainly be Liu's last  
5 opportunity to amend.

6 **IT IS SO ORDERED.**

7 Dated: September 27, 2024

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12 JAMES DONATO  
13 United States District Judge  
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